

MINUTES
WORKSHOP MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
January 12, 2022
6:30 P.M.

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on December 15, 2021.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Sturdivant, Triggiano, Ballard, Yngstrom and Zipprich.

ALSO PRESENT: Interim Administrator McConnell, Borough Clerk Borghi, Attorney Cannon, Engineer Neumann and Department Heads.

ABSENT: Councilwoman Horgan (joined at 6:55pm)

Mayor Menna extended his sympathy to the victims of the horrific fire in New York City.

Councilman Zipprich also noted the passing of US Senator Harry Reid.

ADMINISTRATION

Mayor Menna reviewed resolutions that would be on the upcoming regular agenda including:

- a. Fairview Contract Renewal – He said this was an annual renewal for risk management services.
- b. Accepting Retirement of Dawn Shields – He complimented Officer Shields on her extraordinary service.
- c. Shared Service-Shrewsbury Twp Court – He said this agreement had been in place for a few years to help a neighboring township that did not have their own facilities.
- d. Shared Service-Little Silver Fire Code – He said this was a continuing agreement for fire inspection services.
- e. Competitive Electricity Markets – He said this had been discussed previously.
- f. In support of Revised Speed Limits Shrewsbury Avenue and Rector Place – He said this was a resolution that he was asking the Council to consider. He said they had discussed the matter in the past but felt there was a need to issue a formal resolution.
- g. Calling for Monmouth County to implement Safe Pedestrian Crosswalk on Shrewsbury Avenue between Newman Springs Road and Monmouth Street – He said he had asked that a formal resolution be drafted to direct the County to act now to scope out safe pedestrian crosswalks along Shrewsbury Avenue between Hwy 520 and Monmouth Street.

Councilman Zipprich asked that they also fix the street lighting at the same time.

Mayor Menna said he agreed but thought that they should focus on one thing at a time.

Councilman Ballard said there were many other streets in town that were unsafe to cross and named examples. He called for an inventory of streets that needed to be addressed.

Mayor Menna said there would be additional resolutions at the next Council meeting.

- h. Animal Control Contract – Mayor Menna asked Interim Administrator McConnell to address this resolution.

IA McConnell said the matter was on for discussion and said he understood the Animal Welfare Advisory Committee was reviewing the matter. He said they were operating month to month as this time. He said he was reviewing various contracts and trying to get the best “bang for the buck.” He said he felt the pricing was a little high and said he was considering the two proposals that had been received.

Councilman Ballard said there were concerns about the cost per call and said there were also service issues. He said the Animal Welfare Advisory Committee will be reviewing and forwarding recommendations.

Mayor Menna reviewed the reports that had been submitted by Department Heads who were not in attendance and asked if there were any questions on the reports.

- Grants – December 2021
- Animal Control – December 2021
- Tax Assessor – December 2021
- Tax Collector – December 2021
- Fire Department – December 2021

- Senior Center – December 2021
- Building/Construction – December 2021

There were no questions.

Councilwoman Triggiano commented on the number recent fire calls including a structure fire and thanked the Department for their hard work

EMERGENCY MANAGEMENT/FIRE MARSHAL/CODE ENFORCEMENT

Fire Marshal Welsh reviewed his report. He said he wanted to reiterate the comments of Mayor Menna and Councilwoman Triggiano regarding recent fires. He said there had been two historic fires in Philadelphia and New York. He noted that, while he was not involved in those investigations, they did know that fire doors were an issue in both fires. He stressed the importance of self-closing doors. He said he wanted to add to Councilwoman Triggiano's comments about the recent structure fire in Red Bank and said the Department had done a fantastic job. He said it could have been a different story for a couple of reasons. He said most of the occupants had been out of the house of the time of the fire but said there had been one occupant in the area of origin. He said the person had been behind a closed bedroom door and had been awakened by the smoke detector. He reviewed the person's experience in the fire and said he believed the smoke detector had saved the person's life. He said they were going to ramp up public education and would also be checking fire doors more frequently. He said he had a monitoring coming up from the Division of Fire Safety in February.

RECREATION

Director Dal Pra reviewed his report and the financials. He said they had taken in \$56,000 more than they had the year before which had been the beginning of COVID. He said there had been no spring sports or winter sports that year. He reviewed the Department's December programs. He thanked the Council for their support for the past eight months.

The Council members each thanked Mr. Dal Pra for his service.

LAND USE

Director Ebanks reviewed her report. She said the Land Use Boards had not met in December due to a lack of applications. She said the Cannabis Ordinance would be reviewed by Attorney Cannon.

PUBLIC WORKS

Director Keen said residents should leave their live Christmas Trees as the curb and said the Department was currently collecting them. He also said there was a phone number for the Garbage Hauler that residents could call if they had an issue. He said the contractor was having COVID issues with employees and had been sending drivers who might not be familiar with Red Bank. He said they had been incidents of them missing a street. He said anyone with issues could either call Public Works or could call the Garbage Hauler directly. He said they would take care of any issue such as a missed street. He thanked his staff for the amazing job they had done in 2021.

Councilwoman Horgan arrived at 6:55pm.

FINANCE

IA McConnell said the budget process had been started on time and said they had finished reviews with Department Heads that afternoon.

Councilman Ballard asked questions about the monthly Financial Report on spending.

CFO Swisher said he Councilman Ballard could forward a sample, he would make sure it was provided.

CLERK

Mayor Menna acknowledge receipt of the Clerk's report.

Clerk Borghi said there would be proclamations for Educators at the next Council meeting.

ENGINEERING

Engineer Neumann reviewed her report and offered an update on various projects including Spring Street, the 2021 Road Program, the Marine Park Parking Lot, Eastside Parking Lot, the Circulation Study and Eastside Park/Mohawk Pond Phase II. Regarding Broad Street, she advised the Council that there was a weekly field status meeting that included herself, the contractor, the Interim Administrator and the Director of Public Works. She said RiverCenter was also included. She reviewed the content of those meetings. She said she anticipated completion of the sewer work this week and said they were waiting for direction from the Council on how they wanted to proceed with the water main work. She reviewed the three options which were to 1) leave it as it was, 2) replace the water services or 3) replace the main and the water services. She said she believed they now had quotes for that work and said she was happy to answer any questions on the matter.

Councilman Zipprich asked Engineer Neumann if she had received feedback from RiverCenter on the water main issue.

IA McConnell said he had spoken with them and said their preference was that the Borough proceed with a full water main replacement along with the services. He said they understand that, although the contractor was able to

start the work as soon as he could obtain the supplies, there will be some delay in the project due to the additional work.

Councilman Zipprich asked about the timeline and if the project would affect spring events.

Engineer Neumann said the project could affect those events and said, once they had direction, they could review with the contractor to determine the timeline. She reviewed the likely timeline which would have the water main replacement being done by April and then the paving could be done in July. A discussion followed on the details of the project.

Councilwoman said she was in favor of replacing the main.

Councilman Zipprich agreed the main should be replaced.

Councilman Yngstrom said he agreed that they should replace the main and the services.

Councilman Ballard about the cost of the work.

IA McConnell said he believed the cost of the water main replacement with the water services would be approximately \$1.3 to \$1.4 million. He said acting CFO Swisher had information on funding sources.

CFO Swisher said there were American Rescue Funds available and said water/sewer projects were clearly an allowed use. He said there were also funds available in previous Capital Ordinances. He said the project could be funded without significant tax impact.

IA McConnell explained that the Borough had received approximately \$1.2 million in ARP funding. He said there was also about \$475,000 remaining in a 2021 bond ordinance that would cover water/sewer expenses.

Councilman Ballard asked if the Borough would be covering the cost of the service lines.

IA McConnell said the Municipal Code indicated that when the Borough replaced the water main they also did the service lines at the cost to the Borough.

Engineer Neumann clarified that the Borough cover the cost of the service lines to the curb box.

Councilman Ballard asked what that would cost.

IA McConnell said that was included in the \$1.3 million estimate.

Councilman Zipprich said, as they were discussing these funding sources, they needed to keep in mind that there was also a Senior Center issue.

Mayor Menna said he agreed. He said he believed Councilman Ballard was saying he agreed they should replace the water main. He asked Councilwoman Horgan for her thoughts.

Councilwoman Horgan said she agreed that they should replace main.

Councilwoman Sturdivant said she also agreed.

The Council consensus was to replace the main.

Councilman Zipprich said RiverCenter also supported the replacement.

ADMINISTRATION

Redevelopment Agency – Councilwoman Sturdivant said she was proposing a resolution to disband the Redevelopment Agency. She said it had been established in 2019 at the recommendation of Government Strategy Group's 2018 Management Enhancement Report. She said the Agency had continued to lack direction and leadership from the Mayor and Council. She noted the expenses that had been incurred by the Agency. She said the purpose and ability of the Agency to deliver were questionable. She said she was recommending that they disband the agency.

Councilman Ballard said he would like to second Councilwoman Sturdivant's direction on the Redevelopment Agency. He said he had been against the Agency since day 1. He reviewed his reasons for agreeing that it should be disbanded.

Mayor Menna reviewed the intent behind the Agency and said it had had the support of five of the six members of the Council when the Borough had gone to the State and asked them to create this special authority. He said he felt it had been a good intent. He said the Commissioners were citizen members who had hundreds of hours studying the issues. He said he wasn't sure that the Council had the full picture. He said before moving to take action in the next month, he would prefer to have the citizen members present a report of their activities. He suggested the Council should entertain further discussion in 30 days.

Councilman Ballard said he had no ill will toward the volunteer members and criticized the expense of the Agency. He claimed that the Agency was withholding reports that taxpayers had paid for. He again said it was not the volunteers that he was concerned with but said it was the professionals who received payment.

Councilman Zipprich said he wanted to note that he did not hold any ill will to the volunteer members. He said thought the members acted in good will but said he understood the concerns his colleagues were bringing

Councilman Yngstrom said he agreed that the amount of money Councilwoman Sturdivant brought up had been alarming. He said it had been sold to the Council that the developers would be paying most of the expense. He

said he agreed that there was cause for concern but said he also agreed with the Mayor that the Council should give them a chance to give a status report.

Councilman Zipprich said Councilman Yngstrom had made a good point in that it had been described that developers would defray the expenses.

Business Administrator Ordinance—Councilwoman Sturdivant said she was suggesting that the Council repeal the ordinance that created an authoritarian Administrator and return control to the Red Bank residents and Council. She said, by having a Business Administrator, Red Bank was not functioning as a Borough form of government. She said she felt they need to return to the weak Mayor, strong Council model. She said the Borough Administrator was not elected and should not be able to make critical decisions without oversight by the Council.

Councilwoman Horgan said she would not say the Business Administrator was authoritarian. She said he/she served as the CEO and the Council served as the Board of Trustees. She said that was how businesses were run and she said she felt there was a counterpart to government. She said the Business Administrator did not make decisions without consulting the Council. She said she felt the Council should not be interfering with the day to day operations which was why the ordinance for a stronger Administrator was brought forward. She said she was not in agreement with some of the things that were said and again said she took issue with the word “authoritarian.”

Mayor Menna said, if someone wanted to make a change, they should provide a draft ordinance and the Council would vet it and talk about it.

Councilman Ballard said he had opposed the ordinance when it had been presented. He said according to the Borough ordinances, the Council had legislative authority as well as some executive authority that was not vested in the Mayor in a Borough form of government. He claimed that the first line of the ordinance stated that they would give the Administrator all of the Council’s executive authority. He said he felt they had moved away from a Borough form of government and were operating as a Council-Manager form of government. He said he opposed a strongman administrator that was not elected by anyone in town. He said ordinance needed to be amended to return to a Borough Administrator. He said he did not understand the comment that the Council should not be interfering in day to day operations. He said he was not aware of any Council person who had done that. He said he felt executive authority should be returned to the Council and said the Administrator would have all of the authority they needed. He said there had been many problems with a strongman, CEO Administrator.

Mayor Menna said he respected Councilman Ballard’s comments and said it would be a policy decision. He said someone could introduce an ordinance and the Council would review it. He said he wanted to take issue with one statement and said he would not mention names because it was a personnel matter. He said he distinctly remembered when individual Council people, under previous Administrators, had been responsible for personnel decisions that the Council had not been aware of. He said that Administrator had to count heads to confirm he would be reappointed each year. He said he understood that individual Council persons, who the Administrator was beholden to, had instructed him that the Mayor should not be advised on certain things. He said they had to change the way 90 Monmouth Street was being operated that had been haphazard and based on a reappointment on January 1. He said they should look at the proposed ordinance but said the change had been made because it was necessary.

Councilman Ballard said he wanted to respond to the Mayor’s comment that he had been left out of certain information and certain decisions because Council persons had asked that he be removed from that decision making process. He said the exact same thing had happened to him under the present administrator ordinance. He said they didn’t change anything other than who the Administrator was beholden to.

Councilman Zipprich said the Mayor had functioned for 30 plus years on the Council in a Borough form of government. He noted the number of other municipalities that operated as boroughs and said they had not implemented a Business Administrator ordinance. He said the Business Administrator ordinance had been crafted by Government Strategy Group as a result of their Management Enhancement Report. He said he had been in favor of it and, as he watched it unfold, he said he realized that it had been an error in judgement on his part. He reviewed ways he felt it had negatively affected the Borough. He called for returning to the previous ordinance.

Senior Center Renovation Project – Councilman Zipprich reviewed the history of the project and the current status. He said the public was now waiting for the Council to execute the plans and put the project out to bid. He called for the Council to put the finances together and authorize the reconstruction of the Senior Center. He reviewed Federal funding sources that he said could be used for the project.

Mayor Menna and Councilman Yngstrom said they agreed.

Mayor Menna directed the Administrator and CFO to prepare a synopsis of available options.

Councilman Ballard said another Senior Center issue that he had been trying to get on an agenda was to put the Senior Center property on the ROSI. He said he was aware that there was pushback about that but said he had had discussions with Green Acres staff where they had provided options on how to do that. He reviewed the options including bifurcating the land from the building.

Mayor Menna said he had no objection and said he had also suggested adding other publically owned properties. He said he hoped for a resolution at the next meeting.

Attorney Cannon reviewed what could and could not be included on a ROSI. He suggested the matter be reviewed by a subcommittee to review the various regulations. A discussion followed.

Councilman Ballard volunteered for the Committee. Councilman Zipprich also volunteered.

Public Meetings/Access to Borough Hall – Councilman Ballard said the current policy was inconsistent with the Council not meeting in public while the Land Use boards and Charter Study Commission were all meeting in person. He claimed the public meeting were receiving reduced participation because some were afraid to come in. He said he believed it should be consistent. He called for a directive that there be no public meetings until a hybrid situation could be set up for full participation. He called for a resolution to put that in place.

Mayor Menna suggested a full masked mandate for all of the Borough's buildings. He said he was still waiting for feedback on a recent order issued in Asbury Park. He reviewed the increase in COVID numbers.

Councilwoman Triggiano noted that boards mentioned were all autonomous boards. She said the Charter Study Commission was now meeting virtually and said she felt the Council members were on the same page on the issue.

A discussion followed on policies in other municipalities in respect to COVID.

There was also a discussion on the hybrid capability, a mask mandate and public meetings.

Councilman Ballard asked if the Council would return to meeting in person since the other boards were doing so.

IA McConnell noted that he had confirmed with Planning/Zoning Director Ebanks that the Boards were returning to electronic meetings.

Attorney Cannon reviewed the Council's options.

IA/Chief McConnell said the onus should be on the business owners. He reviewed issues with the Police Department enforcing.

Office of Information Services – Councilman Ballard called for staff with expertise to manage virtual/hybrid meetings. He said he believed ARP money could be used to fund that staffing.

Mayor Menna asked Administrator McConnell to look into the matter.

Councilwoman Sturdivant said she believed there was Federal subsidies for wi-fi issues.

Councilman Ballard said the staff could also perform website maintenance.

A discussion followed on the details of the position.

POLICE

Mayor Menna acknowledged receive of the Police Chief's report. There were no questions.

ADJOURNMENT

Councilman Zipprich offered a motion to adjourn the meeting, seconded by Councilwoman Triggiano.

ROLL CALL:

AYES: Sturdivant, Triggiano, Ballard, Yngstrom, Zipprich and Horgan.

NAYS: None

There being six ayes and no nays, the motion was declared approved.

Respectfully submitted,

Pamela Borghi